

ORDINANCE NO. 2695 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING PROPERTY LOCATED AT 11401 WEST GLENDALE AVENUE FROM M-1 (LIGHT INDUSTRIAL) TO PAD (PLANNED AREA DEVELOPMENT); AMENDING THE ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Glendale Planning and Zoning Commission held a public hearing on May 7, 2009, in zoning case ZON08-14 in the manner prescribed by law for the purpose of rezoning property located at 11401 West Glendale Avenue from M-1 (Light Industrial) to PAD (Planned Area Development);

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in *The Glendale Star* on April 16, 2009; and

WHEREAS, the City of Glendale Planning and Zoning Commission has recommended to the Mayor and the Council the zoning of property as aforesaid and the Mayor and the Council desire to accept such recommendation and rezone the property described on Exhibit A as aforesaid.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That a parcel of land in Glendale, Maricopa County, Arizona located at 11401 West Glendale Avenue and more accurately described in Exhibit A to this ordinance, is hereby conditionally rezoned from M-1 (Light Industrial) to PAD (Planned Area Development).

SECTION 2. That the rezoning herein provided for be conditioned and subject to the following:

1. Development shall be in substantial conformance with the development plan and narrative of the Copperwing PAD dated December 31, 2008, except as modified by stipulation number 2 below.
2. The following changes shall be made to the uses for the PAD. The changes shall be incorporated into the Copperwing PAD booklet prior to the item being scheduled for a City Council hearing.
 - Business Park District*
 - Prohibited Uses:*
 - a. Small appliance repair, except shops for the repair of computer or office equipment.
 - b. Mortuaries.

- c. Veterinary clinics.
 - d. Bars or cocktail lounges, except as otherwise permitted as an accessory use to hospitality and restaurant uses.
 - e. Live entertainment facilities, except as otherwise permitted as an accessory use to hospitality and restaurant uses.
3. All dimensions of street right-of-way and all necessary dedications, street widths, block lengths, and alignments for public and private roadways identified in the PAD shall not be accepted until the Traffic Impact Analysis (TIA), street improvement phasing plan, and other technical reviews are completed in conjunction with the DR.
 4. In conjunction with the first submittal of the DR, a TIA is required for the entire project. In addition, the TIA will need to analyze each phase of the street improvement phasing plan. The TIA shall be approved prior to any DR approvals for the project.
 5. All half-street improvements on Glendale Avenue adjacent to that portion of the site being developed shall be completed prior to issuance of a Certificate of Occupancy (C of O) for any development of the property adjacent to Glendale Avenue. Required improvement standards are determined by the City of Glendale Engineering Design and Construction Standards.
 6. Dedication of additional right-of-way along 115th Avenue shall be made prior to the first Certificate of Completion or C of O within the Phase III subdivision. Half-street right-of-way width of up to 60 feet, but no less than 35 feet will be required for 115th Avenue in order to accommodate the potential need for dual left-turn lanes and right-turn lanes as identified in the required TIA.
 7. All half-street improvements on 115th Avenue adjacent to this site, including a potential cul-de-sac at the south end of 115th Avenue, shall be completed prior to the first Certificate of Completion or C of O within the Phase III subdivision. Required improvement standards are determined by the City of Glendale Engineering Design and Construction Standards.
 8. Dedication of additional right-of-way on Glen Harbor Boulevard shall be made before building permits are issued for any development within Phase II as shown on Exhibit "U" in the PAD booklet. Final right-of-way width determination will be made during the DR process as identified in the required TIA.
 9. The final design for the east/west collector roadway intersecting Glen Harbor Boulevard will be determined during DR. The intersection needs to provide for safe and efficient movements of all vehicles, including access to the airport property as well as the business park.
 10. All half-street improvements on Glen Harbor Boulevard adjacent to the site shall be completed prior to issuance of a C of O for any development within Phase II as shown on

Exhibit "U" in the PAD booklet. Required improvement standards are determined by the City of Glendale Engineering Design and Construction Standards.

11. The owner will be responsible for the costs to design traffic signals, purchase equipment, and install traffic signals at the following locations:
 - a. Glen Harbor Boulevard and Glendale Avenue – 100% of the cost for the modification to the existing signal. Modifications can include, but are not limited to, installation of dual turn lanes, installation of right turn lanes, relocation of signal poles, and upgrades to existing equipment boxes,
 - b. Proposed Project Collector (north/south street with median) and Glendale Avenue – 100% of the cost, and
 - c. 115th and Glendale Avenues – The applicant shall dedicate a site visibility triangle of approximately 2,087 square feet at the southeast corner of 115th and Glendale Avenues within thirty days of City Council approval of the PAD to allow the city to construct the programmed traffic signal in its permanent location at 115th and Glendale Avenues. Prior to the first Certification of Completion or C of O within the Phase III subdivision, the applicant shall reimburse the city for 25% of the actual costs for the design and construction of the programmed traffic signal in its permanent location at 115th and Glendale Avenues, said costs not to be adjusted for inflation. 100% of the cost for any project related modification to the existing signal as identified by the TIA. Modifications can include, but are not limited to, installation of dual left turn lanes, installation of right turn lanes, relocation of signal poles, and upgrades to existing equipment boxes.
12. Dedication of additional right-of-way for the internal street system shall be made before building permits are issued for any development within the phase which they serve. Final right-of-way width determination will be made during the DR process.
13. The applicant or developer shall not be allowed to provide temporary septic systems for the first phase of development. The first phase shall require the development/installation of a city sewer system.
14. All full-street improvements on the internal street system shall be completed prior to issuance of a C of O for any development within any phase as shown on Exhibit "U" in the PAD booklet. Improvements shall be made to roads within the phase, along with full improvements to any connecting roads that provide access to that phase as identified in the TIA. Required improvement standards are determined by the latest version of the City of Glendale Engineering Design and Construction Standards.
15. A maximum of three full movement access points will be allowed to Glendale Avenue in the following locations: 115th Avenue, proposed north/south project collector/entrance as shown in Phase I of Exhibit "U", and at Glen Harbor Boulevard. Additional movement access points may be permitted along Glendale Avenue at the time of DR, based on the recommendation of the TIA.

16. The applicant shall submit a Form 7460 to the Federal Aviation Administration (FAA) and shall submit the FAA's determination to the city. A negative determination by the FAA may result in lowering the maximum building height permitted within Copperwing.
17. A Master Sign Package for the entire development shall be required at the time of the first design review.
18. Any development on the property on the southeast corner of Glendale Avenue and Glen Harbor Boulevard is limited to 30 feet in height per the City Zoning Ordinance. The applicant shall submit a Form 7460 to the FAA and shall submit the FAA's determination to the City. A negative determination by the FAA may result in lowering the maximum building height permitted within Copperwing.
19. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, Owner(s) voluntarily waive(s) any right to claim compensation for diminution in property value under A.R.S. § 12-1134 that may now or in the future exist, as a result of the city's approval of this application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Planning Department, no later than seven (7) calendar days from the date of City Council approval. If the waiver is not signed within seven (7) days, the Minor General Plan Amendment and Rezoning application approvals shall be null and void.

SECTION 3. Amendment of Zoning Map. The City of Glendale Zoning Map is herewith amended to reflect the change in districts referred to and the property described in Section 1 above.


SECTION 4. Effective Date. This Ordinance shall become effective at the time and in the manner prescribed by law.

[Signatures on next page.]

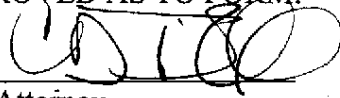
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 25th day of August , 2009.


MAYOR

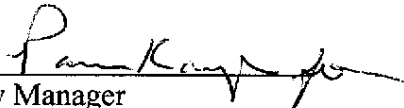
ATTEST:


City Clerk (SEAL)

APPROVED AS TO FORM:


City Attorney

REVIEWED BY:


City Manager